



Level 1 Driving Warning

- Any person operating a motor vehicle shall exercise extra caution in the operation of their motor vehicle.
- Motorists are encouraged not to operate a motor vehicle on the State's roadways unless there is a significant safety, health, or business reason to do so.

Level 2 Driving Restriction

- A "Level 2 Driving Restriction" shall mean that no person shall operate a motor vehicle on Delaware roadways when a Level 2 Driving Restriction has been activated, **except for persons designated as essential personnel** including operators of snow removal equipment employed or contracted by a public or private entity.
- "Essential personnel" for purposes of this subsection shall mean those employees and/or personnel who are necessary to maintain the core functions of a government body or entity, and to maintain the health and safety of the people in Delaware by providing services provided by public utilities as defined in § 102(2) of Title 26, health-care services, and food and fuel deliveries during a state of emergency, regardless of whether they are employed by a public or private entity.
- A waiver from a Level 2 Driving Restriction may be granted when a significant safety, health or business necessity is shown for issuing such a waiver. The Secretary of the Department of Safety and Homeland Security shall promulgate rules and regulations necessary to carry out the provisions of this subsection.
- An employer or entity which has not been granted a waiver shall not terminate, reprimand, discipline, or in any way commit any adverse employment action against an employee who, as a result of the activation of the a Level 2 Driving Restriction, fails or refuses to report to work during the pendency of the driving restriction.
- Any person or entity who violates an activated level 2 driving restriction under this subsection shall be in violation of § 4176D of Title 21.

Level 3 Driving Ban

- A "Level 3 Driving Ban" shall mean that **no person shall operate a motor vehicle** on Delaware roadways when a Level 3 Driving Ban has been activated, except for those persons designated as first responders and essential personnel, including public utilities as defined in § 102(2) of Title 26 and operators of snow removal equipment employed or contracted by a public or private entity, pursuant to this chapter and the plans set forth thereunder, and by executive order of the Governor.
- All businesses, professional offices, organizations, entities, etc. shall be encouraged to take appropriate protective actions to protect their citizens, customers, and employees by termination of operations or shelter in place.
- An employer of a public or private entity shall not terminate, reprimand, discipline, or in any way commit any adverse employment action against an employee who, as a result of the activation of a Level 3 Driving Ban, fails or refuses to report to work during the pendency of the driving ban.
- Any person or entity in violation of an activated Level 3 Driving Ban under this subsection shall be penalized pursuant to § 3125 of this title.

For more information, see Delaware Code Title 20, Chapter 31 here:
<http://delcode.delaware.gov/title20/c031/sc03/index.shtml>